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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,259

11/21/2005

Hans-Jurgen Euler

123098

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04/08/2009

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

ALEXANDRIA, VA 22320-4850

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

04/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,259	Applicant(s) EULER, HANS-JURGEN	
	Examiner TUAN H. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 12, 14-19 and 21 is/are allowed.
- 6) ☒ Claim(s) 11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see applicant's remarks, filed on 01/16/2009, with respect to the rejection(s) of claims 1-19 and 21 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 11 recited the limitation "Analogue or digital computer data signal, embodied by **an electromagnetic wave**, comprising a **program code** segment for carrying out the step of receiving data and processing usable data of the method according to Claim 1, in particular if the program code is executed in a computer" is never mention in the body of the claim until the end of it. There is insufficient antecedent basis for this limitation in the claims.

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5. Claim 13 recited the limitation “Reference directory or data directory as an analogue or digital computer data signal, embodied by **an electromagnetic wave** comprising a **code** segment for carrying out the method according to Claim 1, in particular if the code segment is used in a computer” is never mention in the body of the claim until the end of it. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 101

6. Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a “...**an electromagnetic wave**, comprising a **program code**...” asserted utility or a well established utility. The claimed invention appears to be “Analogue or digital computer data signal, embodied by **an electromagnetic wave**, comprising a **program code** segment for carrying out the step of receiving data and processing usable data of the method according to Claim 1, in particular if the program code is executed in a computer”. It is not clear support of what “...**an electromagnetic wave**, comprising a **program code**...” has been positive disclosed as.

7. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a “...**an electromagnetic wave**, comprising a **code**...” asserted utility or a well established utility. The claimed invention appears to be “Analogue or digital computer data signal, embodied by **an electromagnetic wave**, comprising a **code** segment for carrying out the step of receiving data and processing usable data of

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the method according to Claim 1, in particular if the code is executed in a computer". It is not clear support of what "...**an electromagnetic wave**, comprising a **code**..." has been positive disclosed as.

8. Claim 11 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a "...**an electromagnetic wave**, comprising a **program code**..." asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

9. Claim 13 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a "...**an electromagnetic wave**, comprising a **code**..." asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Reasons for Allowance

10. Claim 20 cancelled.

11. Claims 1-10, 12, 14-19 and 21 are allowed over the prior art record.

12. The following is an examiner's statement of reasons for allowance:

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The applicant's remarks, filed on 01/16/2009, have been carefully reviewed with updated search. Consequently, reasons for allowance of claims 1-10, 12, 14-19 and 21 are set forth in accordance with the applicant's remarks state on pages 1-6.

Conclusion

13. Any response to this action should be mailed to:

Mail Stop _____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/
Examiner
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